

09.09.2024
AD-20
Court No.29
TN
(Allowed)

CRM (A) 3150 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Rejinagar Police Station Case No. 104 of 2024 dated 21.04.2024 under Sections 341/325/307/354/34 of the IPC.

And

In the matter of: **Kalan Ghosh and another**

.... petitioners

Mr. Jisan Iqubal Hossain

....for the petitioners

Mr. Anand Keshri,
Mr. Saptarshi Chakraborty

....for the State

1. The learned counsel for the petitioners submits that due to family dispute, a false complaint has been lodged against the petitioners.
2. The learned counsel for the State in opposing the prayer has referred to the case diary and submits that the injury is grievous in nature.
3. Considering the materials available in the case diary and it appears that free fight took place between two groups of neighbouring family and also considering the nature of the injury sustained and considering the background facts and also having regard to the fact that there has been case and counter-case between the parties, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Kalan Ghosh** and **Matilal Ghosh @ Pintu Ghosh @ Kanta Ghosh** respectively shall be released

on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.

5. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)